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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN RICHMOND, Plaintiff, vs. UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT, <i>et. al.</i> Defendants		CASE NO. 2:21-cv-01103-KJM-DMC STIPULATION TO SUBSTITUTE UNITED STATES OF AMERICA AS DEFENDANT AND ORDER
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Plaintiff John Richmond and Defendant United States Department of the Interior, Bureau of Land Management, through their respective counsel, stipulate to substitute the United States as Defendant in place of the United States Department of the Interior, Bureau of Land Management. The United States is the only proper Defendant for claims under the Federal Tort Claims Act. 28 U.S.C. §§ 1346 (b)(1) and 2679(a); *FDIC v. Craft*, 157 F.3d 697, 706 (9th Cir. 1998) (“The FTCA is the exclusive remedy for tortious conduct by the United States, and it only allows claims against the United States. Although such claims can arise from the acts or omissions of United States agencies (28 U.S.C. § 2671), an agency itself cannot be sued under the FTCA.”).

STIPULATION TO
SUBSTITUTE DEFENDANT

1 DATED: September 22, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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3 By: /s/Rachel R. Davidson
4 RACHEL R. DAVIDSON
5 Assistant United States Attorney
Attorney for Defendant

6 DATED: September 22, 2021

PENNEY & ASSOCIATES

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8 By: /s/ Dillon R. Whitsett (auth. On 9/22/21)
9 DILLON R. WHITSETT
10 Attorney for Plaintiff

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12 **ORDER**

13 IT IS SO ORDERED.

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15 DATED: September 27, 2021.

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17 CHIEF UNITED STATES DISTRICT JUDGE
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